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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Compliance Committee

Fifty-sixth meeting
Geneva, 28 February–3 March 2017

Report of the Compliance Committee on its fifty-sixth meeting

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Introduction

1. The fifty-sixth meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 28 February to 3 March 2017 in Geneva, Switzerland.

A. Attendance

2. Seven of the nine Committee members were present throughout the entire meeting. Committee member Áine Ryall was absent for the entire meeting. Committee member Elena Fasoli was absent for the first two days, but attended the last two days of the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2016/144 (Bulgaria) took part by audio conference in the open session on preliminary admissibility on 28 February 2017. Representatives of Slovakia participated in person in the open session on the review of any developments in relation to communications, submissions and requests. Representatives of Armenia, Austria, Belarus, Bulgaria, Czechia, the European Union, Germany, Kazakhstan, Romania, Spain, Ukraine and the United Kingdom of Great Britain and Northern Ireland took part by audio conference, and representatives of Czechia and of Romania also took part in person, in the open sessions on the follow-up on decisions of the Meeting of the Parties concerning compliance by those Parties. In addition, the following persons participated by audio conference in the open sessions on the follow-up on decisions of the Meeting of the Parties on compliance: on decision V/9a (Armenia), a representative of the non-governmental organization (NGO) Ecological Right, as an observer; on decision V/9f (Czechia), a representative of the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70; on decision V/9g (European Union), the communicant of communication ACCC/C/2010/54; on decision V/9h (Germany), the communicant of communication ACCC/C/2008/31; on decision V/9j (Romania), the communicant of communication ACCC/C/2010/51; on decision V/9m (Ukraine), the communicant of communication ACCC/C/2004/3; and on decision V/9n (United Kingdom), the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2011/65 and ACCC/C/2012/68 and a representative of Friends of the Earth United Kingdom, as an observer. Furthermore, a representative of the NGO Ecohome participated in person in the open session on the follow-up to decision V/9c (Belarus).

4. Participating as observers during all open sessions of the meeting were representatives of the NGOs Earthjustice (Switzerland) and the Resource and Analysis Center "Society and Environment" (Ukraine), both of whom participated on behalf of European ECO Forum. Furthermore, Luc Lavyrsen, from the European Union Forum of Judges for the Environment, and a group of students from the Geneva Academy of International Humanitarian Law and Human Rights participated in some of the open sessions.

B. Organizational matters

5. The Chair of the Compliance Committee, Jonas Ebbesson, opened the meeting.

6. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2017/1.

7. The Chair reported on the outcome of the virtual meeting held by the Committee since the fifty-fifth meeting (Geneva, 6-9 December 2016). The virtual meeting had been held in closed session on 22 December 2016. All Committee members had taken part. During the virtual meeting, the Committee had completed and adopted its third progress review with respect to the implementation of decision V/9a (Armenia) and its second progress reviews with respect to the implementation of decisions V/9f (Czechia), V/9g (European Union), V/9j (Romania) and V/9m (Ukraine). The Committee had also continued the preparation of its recommendations on advisory request ACCC/A/2014/1 (Belarus) and its revised draft findings on communication ACCC/C/2014/99 (Spain).

I. Submissions, referrals and requests under the Convention

8. The Committee continued its deliberations in closed session on submission ACCC/S/2015/2 (Belarus) and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the submitting Party.

9. With respect to ACCC/S/2016/3 (Albania), the Chair recalled that the Committee had decided that it would not be possible to examine the submission until domestic proceedings had been completed. The Chair reported that no new information had been received on the pending domestic proceedings.

10. No referrals had been made by the secretariat since the Committee's last meeting.

11. With respect to Meeting of the Parties request ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the secretariat reported that the Party concerned had recently informed it that it was only days away from finalizing the national implementation report for the fourth (2014) reporting cycle. The Committee instructed the secretariat to inform the Party concerned that unless its 2014 report was submitted by 15 March 2017 the Committee would proceed to complete its draft findings on the Party's compliance with the reporting obligation in article 10, paragraph 2, of the Convention.

12. Concerning advisory request ACCC/A/2014/1 (Belarus), the Committee had adopted its draft recommendations at a virtual meeting and sent the draft recommendations for comments to the Party concerned on 21 February 2017. The Party concerned had been given until 21 March 2017 to provide its comments. The Committee agreed to await the reaction of the Party concerned and then finalize its recommendations, taking into account the comments received.

II. Communications from members of the public

13. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its fifty-seventh meeting (Geneva, 27–30 June 2017) would be 23 May 2017.

14. Concerning communication ACCC/C/2008/32 (part II) (European Union), the Committee continued its deliberations on the findings in closed session. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare the adopted findings as an official pre-session document for its fifty-seventh meeting, ensuring their availability in the three official languages of ECE.

15. With respect to communication ACCC/C/2008/38 (United Kingdom), the secretariat reported that at the Committee's request it had sent a letter by registered mail to inform the communicant that the case would be closed if it did not reply by the date of the

Committee's fifty-sixth meeting. Since no reply to the secretariat's letter had to date been received, the Committee agreed to close the case.

16. Concerning communication ACCC/C/2013/88 (Kazakhstan), the Committee agreed to continue its deliberations through its electronic decision-making procedure with a view to finalizing and adopting its findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant.

17. With respect to communication ACCC/C/2013/89 (Slovakia), the Committee noted that on 27 February 2017 the communicant had submitted comments on the comments by the Party concerned of 25 July 2016 on the draft findings. It also noted the very late nature of the communicant's comments and, given that the comments had been received so close to the date of the meeting, the Committee agreed that it would review the comments received at its next virtual meeting and decide how to proceed in that regard. The Chair also informed the meeting that the draft findings were currently being revised and that the Committee would complete the revised draft findings through its electronic decision-making procedure which would thereafter be sent to the Party concerned and the communicant for their comment.

18. Concerning communication ACCC/C/2013/90 (United Kingdom), the Committee took note of the communicant's reply to the Committee's questions received on 16 February 2017. After taking the communicant's replies into account, the Committee confirmed its earlier determination of preliminary admissibility with respect to the communicant's allegations concerning article 3, paragraph 2, and articles 6 and 9 of the Convention, while noting that some or all of the allegations concerning article 9 might be dealt with through the Committee's summary proceedings procedure. With respect to the communicant's other allegations, namely those concerning article 1, article 3, paragraph 8, and article 4 of the Convention, the Committee found the allegations inadmissible for being incompatible with those provisions of the Convention, in accordance with paragraphs 19 and 20 of the annex to decision I/7 of the Meeting of the Parties. The Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its fifty-ninth meeting (Geneva, 11–15 December 2017).

19. With respect to communication ACCC/C/2013/91 (United Kingdom), the Committee continued its deliberations in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

20. With respect to communication ACCC/C/2013/92 (Germany), the Committee took note of the comments on the draft findings received from the Party concerned on 20 January 2017 and the communicant's comments of 25 January 2017 on the Party's comments on the draft findings. After taking into account the comments received from the parties on the draft findings, the Committee agreed to revise its draft findings in the light of the information received. The Committee continued its deliberations in closed session and agreed to complete its revised draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the revised draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

21. Concerning communication ACCC/C/2013/93 (Norway), the Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

22. Concerning communication ACCC/C/2013/96 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its

next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

23. Concerning communication ACCC/C/2013/98 (Lithuania), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

24. With respect to communication ACCC/C/2014/99 (Spain), the Chair informed the meeting that, at its virtual meeting on 13 September 2016, the Committee had revised its draft findings and had agreed that, once the revised draft findings were completed through the Committee's electronic decision-making procedure, they would be sent to the Party concerned and the communicant for their comments.

25. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

26. With respect to communication ACCC/C/2014/101 (European Union), the Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

27. Regarding communication ACCC/C/2014/102 (Belarus), the Committee took note of the reply to the Committee's questions received from the Party concerned on 3 February 2017. The Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

28. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

29. Concerning communication ACCC/C/2014/105 (Hungary), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

30. Concerning communication ACCC/C/2014/106 (Czechia), the Committee agreed to send questions to the Party concerned and the communicant and to defer its deliberations on its draft findings until its next meeting. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

31. With respect to communication ACCC/C/2013/107 (Ireland), the Committee recalled that, in the light of the request by the Party concerned in its letter of 28 November 2016 that confidential information contained in annex I to the communicant's comments of 18 November 2016 should be redacted, the secretariat had on 20 February 2017 sent a letter to the Party concerned asking the Party concerned to clarify which information contained in the communicant's comments of 28 November 2016 should in its view be redacted. In the meantime, annex I had been temporarily removed from the website pending the Party's

clarification. The Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

32. Regarding communication ACCC/C/2014/109 (Hungary), the Committee noted that, at its request, on 1 February 2017 the secretariat had resent the Committee's questions of 28 September 2016 by registered mail. The secretariat's covering letter had informed the communicant that if no reply was received by the extended deadline of 24 February 2017 the Committee would close the case in accordance with paragraphs 19 and 20 of the annex to decision I/7 for lack of corroborating information. The Committee noted that no reply had been received from the communicant. Taking that information into account, the Committee agreed to close the case.

33. With respect to communication ACCC/C/2014/111 (Belgium), the Committee took note of the parties' replies to the Committee's questions received on 13 January 2017 and the comments of 20 January 2017 by the Party concerned on the communicant's replies. The Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure after the meeting. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

34. Concerning communication ACCC/C/2014/112 (Ireland), the Committee took note of the information received from the communicant on 27 February 2017. The Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

35. With respect to communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

36. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee noted that at its fifty-fourth meeting (Geneva, 27–30 September 2016), it had requested the secretariat to ask the Executive Secretary of the United Nations Economic Commission for Europe (ECE) to write to the Minister of Foreign Affairs of the Party concerned, conveying the Committee's serious concern at the ongoing failure to respond to the communication and to inform the Party that if no response was received by the date stated in the reminder letter the Committee would schedule the hearing to discuss the substance of the communication notwithstanding the Party's lack of response.

37. Regarding communication ACCC/C/2014/119 (Poland), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

38. Concerning communication ACCC/C/2014/120 (Slovakia), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

39. Regarding communication ACCC/C/2014/121 (European Union), the Committee recalled that, by the secretariat's letter of 4 November 2016, both parties had been invited to provide any final written submissions by 30 November 2016. The communicant had provided its final written submissions on 5 December 2016, but to date no final written

submissions had been received from the Party concerned. The Committee agreed to defer the commencement of its deliberations until its next meeting. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

40. With respect to communication ACCC/C/2014/122 (Spain), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth meeting.

41. Concerning communication ACCC/C/2014/123 (European Union), the Committee agreed to complete its draft findings through its electronic decision-making procedure after the meeting, and instructed the secretariat to send the draft findings, once agreed, to the Party concerned and the communicant for their comments.

42. Regarding communication ACCC/C/2014/124 (Netherlands), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

43. With respect to communication ACCC/C/2015/126 (Poland), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth or sixtieth meeting (Geneva, 5–9 March 2018).

44. Regarding communication ACCC/C/2015/128 (European Union), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth or sixtieth meeting.

45. With respect to communication ACCC/C/2015/129 (Ireland), the Committee took note of the letter of 7 February 2017 from the Party concerned and the communicant's comments thereon received on 21 February 2017. Taking into account that the communicant's comments had been received close to date of the meeting, the Committee agreed to consider how to proceed in the light of the comments received at its next virtual meeting.

46. Concerning communication ACCC/C/2015/130 (Italy), the Committee recalled that it had agreed at its fifty-fifth meeting to send questions to the communicant and the Party concerned to obtain further information. The Committee agreed to decide how to proceed with the communication in the light of the comments received.

47. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee recalled that at its fifty-third meeting (Geneva 21–24 June 2016) it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response, including the extent to which her allegations regarding costs raised any issues that were not already being examined by the Committee in its review of the implementation of decision V/9n. The Committee agreed to decide how to proceed with the communication in the light of the comments received from the communicant in that regard.

48. Regarding communication ACCC/C/2015/132 (Ireland), the Committee recalled that at its fifty-fourth meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response to the communication. The Committee agreed to decide how to proceed with the communication in the light of the comments received.

49. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee recalled that at its fifty-fourth meeting it had agreed to send both the communicant and the Party concerned further questions concerning the availability of domestic remedies. The

Committee agreed to decide how to proceed with the communication in the light of the replies received.

50. Concerning communication ACCC/C/2015/134 (Belgium), the Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its fifty-ninth, sixtieth or sixty-first meeting (Geneva, 2–6 July 2018).

51. With respect to communication ACCC/C/2015/135 (France), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth, sixtieth or sixty-first meeting.

52. Regarding communication ACCC/C/2016/137 (Germany), the Committee noted that the response by the Party concerned to the communication had been received on time on 3 January 2017. In its response, the Party concerned, inter alia, challenged the communication's admissibility. On 7 February 2017, the communicant had provided comments on the Party's response and Greenpeace, as an observer, had submitted a statement on 8 February 2017. After taking into account the Party's submissions on admissibility, the Committee agreed to send questions to the communicant and to decide how to proceed in the light of the reply received.

53. Concerning communication ACCC/C/2016/138 (Armenia), the Committee noted that the communication had been forwarded to the Party concerned on 27 September 2016 for its response by 27 February 2017. The deadline for the response had expired one day before the start of the meeting, but the Party's response had not yet been received. The Committee instructed the secretariat to send a reminder to the Party concerned if its response to the communication was not promptly received.

54. Regarding communication ACCC/C/2016/139 (Ireland), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response. It further noted that the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.

55. With respect to communication ACCC/C/2016/140 (Romania), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response. It further noted that the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.

56. With respect to communication ACCC/C/2016/141 (Ireland), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response. It further noted that the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.

57. With regard to communication ACCC/C/2016/142 (United Kingdom), the Committee noted that the communication had been forwarded to the Party concerned on 6 February 2017 for its response. It further noted that the deadline of 6 July 2017 for its response had not yet expired and the Party's response had not yet been received.

58. With regard to communication ACCC/C/2016/143 (Czechia), the Committee noted that the communication had been forwarded to the Party concerned on 6 February 2017 for its response. It further noted that the deadline of 6 July 2017 for its response had not yet expired and the Party's response had not yet been received.

59. Regarding communications received between 1 November 2016 (the deadline for receipt of communications for the fifty-fifth meeting) and 24 January 2017 (the deadline for receipt of communications for the fifty-sixth meeting), the Chair reported that he and the Vice-Chair had held a telephone conference on 6 February 2017 to determine which of the submissions received during that period sufficiently met the required format to be forwarded to the Committee for consideration as to their preliminary admissibility. In that

regard, the Chair and the Vice-Chair had decided that communication PRE/ACCC/C/2016/144 (Bulgaria) should be forwarded to the Committee for consideration of preliminary admissibility at its fifty-sixth meeting and had requested the secretariat to post that communication on the Committee's website.

60. In accordance with the above, the Committee considered the preliminary admissibility of one new communication, communication ACCC/C/2016/144 (Bulgaria) which had been submitted by Civil Control – Animal Protection, a non-profit association, on 14 November 2016. The communication alleged non-compliance with article 7 in conjunction with article 6, paragraphs 3 and 8, and article 9, paragraphs 2, 3 and 4, of the Convention in connection with a 2014 amendment of the General Spatial Plan of Plovdiv and the Party's legal framework in general. With respect to the preliminary admissibility of the communication, the Committee heard the views of the Party concerned and the communicant by audio conference. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Heghine Hakhverdyan was confirmed as curator for the case.

III. Reporting requirements

61. The Committee noted that, at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014), the Meeting of the Parties had urged those Parties that had not yet submitted their 2014 national implementation reports — i.e., Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan — to do so by 1 October 2014.[1] To date, Portugal and Turkmenistan had submitted their reports. As noted earlier (para. 11 above), the former Yugoslav Republic of Macedonia had informed the secretariat that it intended to submit its 2014 report very soon; however, the report had not so far been received.

IV. Follow-up on specific cases of non-compliance

62. The Committee took note of the developments since its fifty-fifth meeting with respect to decisions V/9a–k, m and n of the Meeting of the Parties, in particular the information received from the Parties concerned on the measures they had taken to implement the decisions concerning their compliance and the comments received from the communicants and observers on those measures. The Chair informed the meeting that the Committee was expected to finalize its reports to the sixth Meeting of the Parties (Budva, Montenegro, 11–13 September 2017) on decision V/9a–n either prior to or during the Committee's fifty-seventh meeting.

63. With respect to decision V/9a (Armenia), the Committee noted that its third progress review had been sent to the Party concerned on 3 January 2017. The Party concerned had also been informed that all measures necessary to implement decision V/9a needed to be completed and reported upon to the Committee by 31 January 2017. On 31 January 2017, the Party concerned had provided further information on the measures it had taken to implement decision V/9a. The information provided had been sent to the communicants and the observers registered to take part in the follow-up on that decision for their comments by 22 February 2017. No comments had been received from the communicants and the observers. The Committee reviewed the implementation of decision V/9a in open session.

[1] See ECE/MP.PP/2014/2, para. 26.

with the participation by audio conference of representatives of the Party concerned and the observer, Ecological Right.

64. Regarding decision V/9b (Austria), the Committee noted that the third progress report by the Party concerned had been received on 21 December 2016 on time, and had thereafter been sent to the communicants and the observers registered to take part in the follow-up on that decision for their comments by 20 January 2017. Comments had been received from the communicant of communication ACCC/C/2010/48 on 19 January 2017. The Committee reviewed the implementation of decision V/9b in open session, with the participation of a representative of the Party concerned by audio conference. Though invited, no communicants or observers took part in the session.

65. Concerning decision V/9c (Belarus), the Committee noted that, following the Committee's request for clarification on one point in its comments of 22 November 2016, the observer Ecohome had provided the requested clarification on 21 December 2016. The Committee reviewed the implementation of decision V/9c in open session, with a representative of the Party concerned participating by audio conference and a representative of the observer Ecohome attending in person. The representative of the Party concerned informed the Committee that, in January 2017, the Party had adopted new legislation relevant to the implementation of decision V/9c. In order to take into account the new legislation, the Committee agreed to delay the finalization of its second progress review in order to examine the extent to which the legislation adopted in January 2017 met the requirements of decision V/9c. It agreed to finalize its second progress review through its electronic decision-making procedure after the meeting, which would then be sent to the Party concerned, the communicants and the observers registered to take part in the follow-up to decision V/9c.

66. With respect to decision V/9d (Bulgaria), the Committee noted that its second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9d would need to be completed and reported upon to the Committee by 31 January 2017. On 23 January 2017, the Executive Secretary of ECE had sent a letter to the Party concerned forwarding the second progress review to the Minister of Foreign Affairs and informing him that the Committee might recommend to the Meeting of the Parties at its sixth session that a caution be issued. On 26 January 2017, the Party concerned had provided further information on the measures it had taken to implement decision V/9d, which had thereafter been sent to the communicants and the observers registered to take part in the follow-up on that decision for comments by 22 February 2017. Comments had been received from the communicant of communication ACCC/C/2011/58 on 12 February 2017. The Committee reviewed the implementation of decision V/9d in open session, with the participation of a representative of the Party concerned by audio conference. Though invited, the communicant did not take part in the session.

67. Concerning decision V/9e (Croatia), the Committee noted that the third progress report by the Party concerned had been received on 28 December 2016 and had thereafter been sent to the communicants and the observers registered to take part in the follow-up on that decision for their comments by 23 January 2017. No comments had been received.

68. Regarding decision V/9f (Czechia), the Committee noted that its second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9f would need to be completed and reported upon to the Committee by 31 January 2017. On 31 January 2017, the Party concerned had provided further information on the measures it had taken to implement decision V/9f, which had been sent to the communicants and the observers registered to take part in the follow-up on that decision for their comments by 21 February 2017. Comments had been received from the communicant of communications

ACCC/C/2010/50 and ACCC/C/2012/70 on 21 February 2017. The Committee reviewed the implementation of decision V/9f in open session with the participation of representatives of the Party concerned both in person and by audio conference and the participation of the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70 by audio conference.

69. With respect to decision V/9g (European Union), the Committee noted that on 9 December 2016 the Party concerned had provided information in follow-up to the open session on decision V/9g at the Committee's fifty-fifth meeting. The communicant of communication ACCC/C/2010/54 had provided comments on 16 January 2017. In response to a request from the Committee for further clarification, the Party concerned had provided further information on 23 January and 14 February 2017 (both originally sent on 22 December 2016 but not received owing to a technical error). The Committee's second progress review had been sent to the Party concerned on 23 February 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9g would need to be completed and reported upon to the Committee by 1 April 2017. On 24 February 2017, the communicant of communication ACCC/C/2010/54 had provided comments on the Committee's second progress review. The Committee reviewed the implementation of decision V/9g in open session, with the participation of representatives of the Party concerned and the communicant by audio conference.

70. Regarding decision V/9h (Germany), the Committee noted that on 6 December 2016 the Party concerned had provided an update on the legislative amendments currently being undertaken. On 1 February 2017, the Committee's second progress review had been sent to the Party concerned and the Party concerned had been informed that all measures necessary to implement decision V/9h would need to be completed and reported upon to the Committee by 15 March 2017. The Committee reviewed the implementation of decision V/9h in open session, with the participation by audio conference of representatives of the Party concerned and the communicant of communication ACCC/C/2008/31.

71. Concerning decision V/9i (Kazakhstan), the Committee noted that its second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9i needed to be completed and reported upon to the Committee by 31 January 2017. The Committee reviewed the implementation of decision V/9i in open session, with the participation of representatives of the Party concerned by audio conference. Though invited, no communicants took part in the session.

72. With respect to decision V/9j (Romania), the Committee noted that its second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9j needed to be completed and reported upon to the Committee by 31 January 2017. On 31 January 2017, the Party concerned had provided further information on its implementation of decision V/9j and, on 1 February 2017, the communicant of communication ACCC/C/2010/51 had provided brief comments thereon. The Committee reviewed the implementation of decision V/9j in open session, with the participation of representatives of the Party concerned in person and by audio conference and the participation of the communicant of communication ACCC/C/2010/51 by audio conference.

73. Regarding decision V/9k (Spain), the Committee noted that, on 24 February 2017, the communicant of communication ACCC/C/2009/36 had provided comments on the update by the Party concerned of 5 December 2016. The Committee reviewed the implementation of decision V/9k in open session, with a representative of the Party concerned attending by audio conference. Though invited, no communicants or observers participated in the session. The Committee agreed to request the Executive Secretary of

ECE to write to the Ministry of Foreign Affairs regarding the continuing lack of progress by the Party concerned in addressing its ongoing non-compliance with decision V/9k with respect to legal aid for NGOs and requesting the Ministry of Foreign Affairs to forward the Executive Secretary's letter to the Ministry of Justice.

74. Concerning decision V/9m (Ukraine), the Committee noted that on 8 December 2016 the communicant of communication ACCC/C/2004/3 had provided information on recent developments regarding the legislative process to adopt the new law on environmental impact assessment. On 23 January 2017, the Executive Secretary of ECE had sent a letter to the Party concerned forwarding the Committee's progress review. The progress review stated that all measures necessary to implement decision V/9m would need to be completed and reported upon to the Committee by 20 February 2017. On 21 February 2017 the Party concerned had provided an update regarding its legislative process concerning the new law on environmental impact assessment. The Committee reviewed the implementation of decision V/9m in open session, with the participation by audio conference of representatives of the Party concerned and the communicant of communication ACCC/C/2004/3.

75. With respect to decision V/9n (United Kingdom), the Committee noted that on 21 February 2017 the communicant of communication ACCC/C/2008/33 had provided comments on relevant legislative developments. The Committee's second progress review had been sent to the Party concerned on 24 February 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9n would need to be completed and reported upon to the Committee by 1 April 2017. The Committee reviewed the implementation of decision V/9n in open session, with the participation by audio conference of representatives of the Party concerned, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2012/65 and ACCC/C/2012/68 and the observer, Friends of the Earth United Kingdom. Owing to technical problems with the audio conferencing facilities, the Committee invited the communicants and observers to provide their comments in writing after the session.

V. Programme of work and calendar of meetings

76. The Committee agreed to hold its fifty-seventh meeting in Geneva, from 27 to 30 June 2017; its fifty-eighth meeting in Budva, Montenegro, from 10 to 13 September 2017, in parallel with the sixth session of the Meeting of the Parties; and its fifty-ninth meeting in Geneva, from 11 to 15 December 2017.

VI. Other business

A. Modus operandi

77. The Chair informed participants that the third draft of the revised Guide to the Compliance Committee had been made available on the web page of the Committee's fifty-sixth meeting. The Committee discussed the third draft in open session with the participation of the observers present and invited any further comments on the draft text to be sent by 1 April 2017.

78. In that regard, the Committee highlighted that, in accordance with its practice, it generally did not consider new information submitted after the completion of its draft findings unless the information was of fundamental importance to those findings.

B. Other matters

79. The Chair informed the Committee of his participation in a discussion event on 27 February 2017 organized by the Geneva Academy and Earthjustice entitled "Environmental Defenders: Can Art 3.8 of the Aarhus Convention contribute to the protection of their rights in the UNECE regions?", in which the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, had also taken part.

80. The secretariat noted that the discussion event was linked to the tenth meeting of the Task Force on Access to Justice, taking place on 27 and 28 February 2017 in Geneva. For the first time, the meeting included a thematic session on article 3, paragraph 8, of the Convention.

81. The secretariat also reported that the tenth Aarhus Convention capacity-building coordination meeting would be held on 28 February 2017.

82. Committee member Jerzy Jendrośka informed the Committee of his participation at the Nuclear Energy Agency Workshop on Stakeholder Involvement in Nuclear Decision Making (Paris, 17–19 January 2017), where he had given a presentation in cooperation with a member of the Convention secretariat.

83. A representative of Earthjustice, speaking on behalf of the European Eco Forum, informed the Committee that the Special Rapporteur on human rights and the environment, John Knox, would deliver his report on biodiversity and human rights to the thirty-fourth session of the Human Rights Council (Geneva, 27 February–24 March 2017). He also noted that Earthjustice was convening a side event during the session in which the Special Rapporteur on human rights and the environment and the Special Rapporteur on the situation of human rights defenders would both take part.

VII. Adoption of the report and closure of the meeting

84. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the fifty-sixth meeting.